



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY
WET 2002-46**

December 4, 2002

Mr. Bernard Filion
PO Box 189
Londonderry, NH 03053

RE DES Wetlands File #2002-02215 149 School Street, Tilton

Dear Mr. Filion;

On October 29, 2002, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Tilton Tax Map R-18 as Lot 12 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-700.

During the inspection the following deficiencies were documented

Approximately 2,500 square feet of wetlands have been dredged and filled with tree stumps and debris at various locations on the above referenced property.

In response, you are requested to take the following actions:

- 1) Within 15 days retain a qualified environmental consultant to develop a plan to restore the impacted areas.
- 2) Within 20 days submit documentation to the DES Wetlands Bureau that a qualified environmental consultant has been retained.
- 3) Within 60 days submit a restoration plan that includes the following:
 - a. A plan with dimensions, drawn to scale, indicating:
 - (1) Delineation of the wetlands prior to dredging and filling; and
 - (2) Delineation of the existing conditions showing the extent of the dredging and filling;
 - b. A plan for re-establishing the wetland to its original footprint
 - c. A proposed means for erosion and sediment controls;
 - e. A proposed schedule and construction sequence listing equipment and methods for accomplishing restoration no later than May 1, 2002.
 - f. A proposed planting plan for the re-establishment of wetland vegetation
 - g. A proposed monitoring plan, including at least one restoration progress assessment report to be filed with DES after a full growing season.

Letter of Deficiency 2002-46

Page 2 of 2

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.


Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows

Arlene Allen, Compliance Specialist
Wetlands Bureau
Department of Environmental Services
6 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Ms. Allen at (603) 271-2147.

Sincerely


Mary Ann Tilton
Senior Enforcement Officer
Wetlands Bureau

CERTIFIED MAIL 70001670000005854614

cc Rene Pelletier, Manager, Land Resources Management Program
Gretchen Rule, Administrator, DES Legal Unit ✓
Tilton Conservation Commission
Tilton Board of Selectmen
David Killoy, USACOE